

Approved November 29, 2007

Minutes Spencer County Board of Zoning Appeals
September 27, 2007

Chairman Charlie Waninger called the Spencer County Zoning Appeals to order at 6:00pm. Members present Nathan Helms, Jerry Embry, Charles Waninger and Attorney Rick Wetherill. Absent Neil Colligon and Attorney John Wetherill.

Minutes approved as presented.

First order of business: Cheryl Southwood petitions for a variance to operate a Beauty Shop on .17 acre in Huff Township, Section 34, Twp 5S, Range 4W at 10679 N McDonald Ave. Evanston, Indiana. Cheryl Southwood was present at the meeting and stated the home used to be a renter home and she wants to use part of it as a beauty shop and the other part as a safe place for her children after school. No one will be living there. One concern was the coloring and perm solution going into the Evanston Wastewater Collection & Treatment System. Southwood provided a letter from Bernardin, Lochmueller and Associates stating that the Evanston Wastewater Collection & Treatment System has both the ability and capacity to handle the beauty saloon of the size proposed. Administrator Cail stated adjoining land owners were mailed out letters. Waninger asked if anyone was against petition. No response. Nathan Helms made a motion to accept petition. Jerry Embry 2nd, motion carried.

Next order of business: Rodney Varbel, accompanied by Chamness Land Surveying, petitions for a Variance to the requirements for multiple land division to allow for less than 100 feet of road frontage and less than 1 acre on 5 acres in Hammond Township, South edge of Newtonville, Section 14, Twp. 6S, Range 5W at 7735 & 7737 N County Rd. 600E, Grandview, Indiana. Rodney Varble and Mark Chamness were present at the meeting. Varble stated he wants the property divided up into three pieces and wants to sell Parcel B, he lives on Parcel A. The remaining piece he wants separated for future use such as an accessory building. Varble was questioned on the septic system and was told it needed to be checked out by the Health Department before it can be recorded or sold. Helms stated the remaining property doesn't have enough ground to build a house on. Varble stated he will not build a house on the property, just an accessory building. Cail advised adjoining land owners were mailed out letters. Waninger asked if anyone there was against the petition. No response. Nathan Helms made a motion to accept petition with the condition that the septic system must be approved and can't be recorded or sold until that is done, with no time limit 2nd James Boyd, all in favor, motion carried.

Next order of business: Myriam Rioux, accompanied by Chamness Land Surveying, petitions for Variances to the requirements for multiple land division to allow for less than 100 feet of road frontage and less than 1 acre on .89 acres in LuceW Township, Section 22, Twp. 7S, Range 7W at 6757, 6781 & 6807 W State Rd 66, Richland, Indiana. Chairman Waninger ask if anyone here representing Rioux. Rioux and Chamness both came forward. Rioux explained she bought the three houses from Mark Pattie and plans on fixing them back to new to sell. Chamness stated the three houses were built in the 50's and are on two lots. They would like to divide the land so each house would be on a separate lot. Helms ask about the septic systems. Rioux stated she is in the progress of working with Rita Stallings on the system. Cail advised the board a perk test was done and approved for the two bedroom houses. Cail also stated adjoining land owners were mailed out letters. Rioux stated she is working with Kenney Young and hopes the systems will be done in the next couple of weeks. Waninger ask if there was anybody there against petition. No response. Nathan Helms made the motion to accept petition with the condition the septic system be approved by the Health department with no time limit. 2nd by Jerry Embry, all in favor, motion carried.

Old Business:

Cail passed out Rules of Procedures and ask the board to look over them for the next meeting. She explained the SOB portion was taken out due to the fact that part would go to the Board of Commissions not this board.

Jerry Embry ask about how the SOB was going. Attorney Rick Wetherill stated Briefs were filed before Court of Appeals for an Oral Argument. This is where three judges would be reading the brief, applying the law, and forming an opinion. The oral argument probably won't happen until the first of the year.

New Business: None

Next meeting October 25, 2007 at 6:00pm.

Motion to adjourn the meeting was made by Nathan Helms, Jerry Embry 2nd, all in favor, motion carried. Meeting adjourned 6:40pm.

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ej/tc